



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 18, 1996

Mr. Terry Trimble  
Interim Commissioner  
Texas Department of Human Services  
P.O. Box 149030  
Austin, Texas 78714-9030

OR96-2139

Dear Mr. Trimble:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101928.

The Texas Department of Human Services (the "department") received a request for a copy of the contract between the department and North American MORPHO Systems, Inc. ("MORPHO") for a fingerprint imaging system. Although the department declines to take a position on whether the contract is excepted from required public disclosure, you have submitted the contract to this office for review because MORPHO has indicated that it considers the entire contract to be proprietary information protected by section 552.110 of the Government Code.

Pursuant to section 552.305 of the Government Code, we notified MORPHO of the request for information and of its opportunity to claim that the contract is excepted from disclosure. MORPHO did not respond to our notification.

As neither the department nor MORPHO has provided us with written comments explaining how section 552.110 may apply to the contract, we have no basis upon which to pronounce the contract protected by section 552.110. Open Records Decision No. 363 (1983). Accordingly, we conclude that the contract is not excepted from required public disclosure and, therefore, must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Karen Hattaway", with a long horizontal line extending from the end of the signature.

Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 101928

Enclosures: Submitted documents

cc: Mr. Jerry Abel  
6800 Burleson Road  
Austin, Texas 78744  
(w/o enclosures)

Mr. William S. Riippi  
Vice President, Business Development  
North American MORPHO Systems, Inc.  
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(w/o enclosures)